



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP (MD) No.16632 of 2021

WEB COPY

Rukumani

... Petitioner/5<sup>th</sup> Accused

Vs

The State Rep. By  
The Inspector of Police  
Thattarmadam Police Station  
Thoothukudi District  
Cr.No.140 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Balakrishnan  
Advocate

For Respondent : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.140 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5 apprehending arrest for the alleged offence punishable under Sections 147, 148, 448, 427, 294(b), 506(ii) and 109 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.140 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the accused attacked the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has already lodged a complaint as against the brother-in-law of the defacto complainant for the offence under POCSO Act that he misbehaved with the petitioner's daughter and the case was registered in Crime No.17 of 2021 on the file of All Women Police Station, Thiruchendur. Thereafter, the defacto complainant and her  
<https://hcservices.hcourtsgov.in/hcservices/> repeatedly asked the petitioner to withdraw the said complaint. As the petitioner refused their request, the present complaint has been lodged against the petitioner. He would further



submit that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed and there is no adverse antecedent as against the petitioner.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also the fact that the petitioner has not involved in any other offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

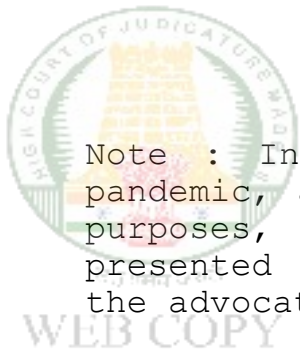
(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
02/11/2021

/ TRUE COPY /



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,  
SATHANKULAM.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
THATTARMADAM POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.M/S.R.BALAKRISHNAN, Advocate (SR-7917[I] dated 09/11/2021)

ORDER  
IN  
CRL OP (MD) No.16632 of 2021  
Date :02/11/2021

SB/VR/SAR-I/15.11.2021/3P/6C